ADDENDUM to DRAFT MINUTES

Subject: 2752nd meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS), held in Luxembourg on 5 and 6 October 2006
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Agenda items relating to the final adoption of Council acts to which the public has been granted access

"A" items (list: 13350/06 PTS 45)

When finally adopting the "A" items relating to legislative acts, the Council agreed to enter the following in these minutes:

Item 4. Framework Decision on the application of the principle of mutual recognition to confiscation orders

14622/04 COPEN 135
+ COR 1
+ COR 2 (lv)
+ COR 3
+ COR 4 (hu)
+ COR 5 (nl)
+ COR 6 (da)
+ REV 1 (pt)
+ REV 1 COR 1 (pt)
+ REV 2 (de)
+ REV 2 COR 1 (de)

The Council adopted the above Framework Decision. (Legal basis: Articles 31(1)(a) and 34(2)(b) of the Treaty on European Union).

1. Council declaration in relation to Recital 15

"Consideration shall be given to the possible introduction of an additional instrument dealing with the return of property to its rightful owner."

2. Council declaration

"The Council declares that among those fundamental legal principles that are referred to in the present Framework Decision are principles relating to democracy, legality, equality, freedom of thought, speech and expression, freedom of the press and freedom of assembly and association."
3. **Council declaration**

"The definition of Article 2(h) safeguards that the ground for refusal in Article 8(2)(f) may not obstruct the recognition and execution of confiscation orders in case the criminal proceedings leading to a confiscation order involve both the predicate offence committed in the issuing State and the subsequent money laundering that may have taken place on the territory of the executing State or elsewhere outside the issuing state. By prescribing that in such cases the locus of the predicate offence is determinative for the recognition and execution of the confiscation order the aim of this Framework Decision is served without affecting the principle of territoriality."

4. **Austrian declaration in accordance with Article 7(5):**

"In accordance with Article 7(5), Austria declares that its competent authorities will not recognise and execute confiscation orders under circumstances where confiscation of the property was ordered under the extended powers of confiscation referred to in Article 2 (d)(iv)."

5. **Austrian declaration in accordance with Article 19(2):**

"In accordance with Article 19(2), Austria declares that it will accept certificates drawn up in or accompanied by a translation into another official language of the Institutions of the European Communities than the German language on the basis of reciprocity, that means under the condition that the issuing Member State accepts certificates drawn up in or accompanied by a translation into German when acting as executing Member State."

**Item 5. Council Decision on the establishment of a mutual information mechanism concerning Member States' measures in the areas of asylum and immigration**

12758/06 ASIM 63 OC 655

+ COR 1 (el)

The Council adopted the above Decision. (Legal basis: Article 66 of the Treaty establishing the European Community).
12853/06 VISA 226 COMIX 757 OC 658


8447/06 CODIF 11 FISC 59 OC 292
  + COR 1 (nl)
  + COR 2 (lt)
  + COR 3 (fi)
  + COR 4 (cs)

The Council adopted the above Directive. (Legal basis: Article 93 of the Treaty establishing the European Community).

Item 17.  Council Regulation laying down special measures to encourage silkworm rearing (codified version)
8448/06 CODIF 12 AGRIFIN 32 AGRIORG 39 OC 293
  + COR 1 (nl)
  + COR 2 (pt)
  + COR 3 (et)
  + COR 4 (lv)
  + COR 5 (lt)
  + COR 6 (hu)
  + COR 7 (pl)
  + COR 8 (sk)
  + COR 9 (sl)

The Council adopted the above Regulation. (Legal basis: Article 37 of the Treaty establishing the European Community).
Item 25. Regulation of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention